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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/945,099

Applicant(s)

KNIGHT, TIMOTHY ORR

Examiner

SIMON KE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-52, 91-143 and 145-152 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-52, 91-143 and 145-152 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 6/26/09.

Claims 42-52, 91-143, and 145-152 are pending in this application. Claims 42, 91, 99, 106, 111, 121, 126, 131, 135, 136, 141, 146, 150, and 152 are independent claims.

Double Patenting

Claims 42, 91, 99, 106, 111, 121, 126, 131, 135, 136, 141, 146, 150, and 152 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 24, 46, 50, and 58 of U.S. Patent No. 6,313,833. Although the conflicting claims are not identical, they are not patentably distinct from each other because they all recites a canvas being usable by the user for identifying and arranging selected ones of said user visible set of data parameters in to a visual from expressing the subjective data information as graphical arrangement of said selected ones of the said visible set of data parameters within said parameter canvas.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 42-45, 48-52, 91-94, 98-101, 105-108, 110, 111, 113-123, 126, 127, 129, 131-134, 136, 140-143, 146, 148-150, and 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmalani et al. (US 5,819,028) in view of Tuli et al. (US 6,256,651).

As per claim 42, Manghirmalani et al. teaches an electronic interface for collecting information for a data picture, the interface comprising:

a data palette providing a set of data parameters available for selection, said set of data parameters including at least some in text form corresponding to predefined statements concerning an action and/or a transaction (col. 12, lines 1-15); and

a data canvas on which a selected set of one or more of said set of data parameters can be displayed and arranged arbitrarily via input from a user-controlled input device in communication with the interface to generate the data picture (col. 12, lines 16-45); and

wherein the data picture includes a display of a graphical arrangement of the selected set of data parameters relative to one another, the graphical arrangement being configured by the user within the data canvas and wherein a data structure is created or modified using the selected set of one or more of said set of data parameters. (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15; Examiner interprets defining danger zoom for canvas 1301, 1302, and 1303, to be allowing user to configure the data canvas with one or more corresponding predefined statement).

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 43, Manghirmalani and Tuli teach the interface of claim 42. Tuli further teaches wherein said selected set of data parameters can be selected and physically moved by such user to a gradient on said data canvas by physically manipulating an electronic pointing device (column 4, lines 62-68).

As per claim 44, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein the data picture is generated using a single data capture screen including said data palette and said data canvas (fig. 13, 1307-1320).

As per claim 45, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein the data picture is translatable into one or more electronic records including numeric data values. (col. 13, lines 1-20, col. 6, lines 32-55).

As per claim 48, Manghirmalani and Tuli teach the interface of claim 47. Manghirmalani further teaches wherein said data canvas conveys visible feedback information when the user is arranging said selected set of data parameters (col. 12, lines 46-68).

As per claim 49, Manghirmalani and Tuli teach the interface of claim 42. Manghirmalani further teaches wherein said set of data parameters include factors associated with lessons learned by a user concerning such action and/or transaction (col. 12, lines 16-46).

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As per claim 50, Manghirmalani and Tuli teach the interface of claim 42.

Manghirmalani further teaches wherein said interface also provides a visual comparison between data in said data picture and other data pictures (fig 13, fig 14).

As per claim 51, Manghirmalani and Tuli teach the interface of claim 42.

Manghirmalani further teaches wherein said interface also provides visual feedback to such operator based on an evaluation of said data in the data picture (col. 12, lines 46-68).

As per claim 52, Manghirmalani and Tuli teach the interface of claim 42.

Manghirmalani further teaches wherein said set of parameters can be customized by the user (col. 12, lines 16-46)

As per claim 91, Manghirmalani et al. teaches a tangible computer readable medium having stored thereon, computer executable instructions that, if executed by a machine, cause the machine to perform a method comprising the steps of:

providing a data palette, said palette including a set of data parameters available for selection by a user of the program, such that said set of data parameters includes at least some corresponding to predefined statements concerning an action and/or a transaction (fig. 12. col. 12, lines 15-46); and

providing a data canvas on which selected data parameters can be displayed. and arranged arbitrarily by said user to generate the data picture; (fig. 12. col. 12, lines 15-46)

receiving input via a user controlled input device to display on the data picture a graphical arrangement of a selected group of said predefined statements user and pertaining to the at least one of the action and/or said transaction, (fig. 12. col. 12, lines 15-46)

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creating or modifying a data structure using said graphical arrangement being configured by the user with the data canvas which is based physical position selected by the user within the data canvas for said predefined statement and/ or a relative spatial relationship between said predefined statement with in the data canvas concerning said action and/or said transaction. (fig. 12. col. 12, lines 15-46).

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 92, Manghirmalani Tuli teach the readable medium of claim 91. Manghirmalani further teaches wherein all information collected from said user is captured using a single data picture (fig. 13, col. 12. lines 46-68).

As per claim 93, Manghirmalani Tuli teach the readable medium of claim 91. Manghirmalani further teaches wherein all information for the data picture is captured during a data collection session using a single data collection screen (fig. 13, col. 12. lines 46-68).

As per claim 94, Manghirmalani Tuli teach the readable medium of claim 91. Manghirmalani further teaches wherein the data picture is stored as part of a transaction record which includes numeric data values. (fig 13, col. 12, lines 46-48; It is inherent that the numeric data illustrated by the graph is not input by the user).

As per claim 98, Manghirmalani Tuli teach the readable medium of claim 91. Manghirmalani further teaches including a step of providing visual feedback based on an evaluation of the data picture to present the user with a visual output depicting an expected outcome of said action and/or said transaction based on the data picture (fig. 13. items 1307a-c col. 12, line 47-68; Examiner interrupts the visual indicator to be visual feedback.).

As per claim 99, it rejected with the same rationale as claim 91. (see rejection above)

As per claim 100, which is dependent on claim 99, it is of the same scope as claim 92. (see rejection above)

As per claim 101, which is dependent on claim 99, it is of the same scope as claim 93. (see rejection above)

As per claim 105, which is dependent on claim 99, it is of the same scope as claim 98. (see rejection above)

As per claim 106, Manghirmalani teaches a method of capturing data concerning an actual or proposed transaction from a user of a computing system, said system including at least a keyboard and pointing device for inputting data, the method comprising:

providing a set of a plurality of individual assertions, said assertions being associated with mental impressions of the user relating to the transaction (col. 12, lines 1-47; Examiner interrupts the formula that is used by the administrator to be the mental impressions that administrator has for determining health of the system base on the data); and

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displaying said set of assertions to the user in a first portion of a visible electronic interface (col. 12, lines 1-47; Examiner interrupts MIB object meters to be assertions); and

permitting the user to select and move selected assertions taken from said set of assertions to a second, separate portion of said visible interface, which second separate portion acts to display such selected assertions along a visible gradient (col. 12, lines 16-20; It is inherent that the same MIB objects can be used in different formula); and

permitting the user to arrange said selected assertions in a ranking order relative to each other along said visible gradient to create a data picture (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data).

Creating or modifying a data structure using the personalized individual assertion taken from the set of assertion and position of the personalized individual assertion within the data canvas. (col. 12, lines 16-20; It is inherent that the same MIB objects can be used in different formula)

However, Manghirmalani fails to teach displaying graphically relative positioning of the selected set of data parameters.

Tuli teaches displaying graphically relative positioning of the selected set of data parameters. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 107, Manghirmalani and Tuli teach the method of claim 106. Manghirmalani further teaches wherein all information collected from said user for the actual and/or proposed transaction is captured using said set of assertions (col. 6, lines 1-8).

As per claim 108, which is dependent on claim 106, it is of the same scope as claim 92. (see rejection above)

As per claim 110, Manghirmalani and Tuli teach the method of claim 106. Manghirmalani further teaches including a step of providing a visual comparison between the data picture and data collected from said user during a prior data capture session (fig. 14, items 1401-1403).

As per claim 111, it is rejected with same rationale as claim 106. (see rejection above)

As per claim 113, Manghirmalani and Tuli teach the method of claim 111. Manghirmalani further teaches including providing a gradient visible to the user for assisting in the ranking of said selected assertions (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data).

As per claim 114, Manghirmalani and Tuli teach the method of claim. 111. Manghirmalani further teaches including providing visible feedback information when the user arranges said selected assertions (fig. 13, item 1304).

As per claim 115, Manghirmalani and Tuli teach the method of claim. 111. Manghirmalani further teaches wherein said palette of individual assertions include

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statements associated with lessons learned by a user concerning such action and/or transaction (Fig. 4, item "item 404"; Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 116, Manghirmalani and Tuli teach the method of claim 115. Manghirmalani further teaches including a step of retrieving and modifying any of said lessons associated with the user input data at a later time. (fig. 14, items 1401-1403)

As per claim 117, Manghirmalani and Tuli teach the method of claim 111. Manghirmalani further teaches wherein said palette of individual assertions can be customized at least in part by the user (fig 12, item 1203; col. 12, lines 1-47).

As per claim 118, Manghirmalani and Tuli teach the method of claim 111. Manghirmalani further teaches including a step of providing a visual comparison between the user input data and program data collected from said user during a prior session.

As per claim 119, which is dependent on claim 111, it is of the same scope as claim 98. (see rejection above)

As per claim 120, which is dependent on claim 111, it is of the same scope as claim 93. (see rejection above)

As per claim 121, Manghirmalani teaches a method of capturing input data from a user within an electronic interface comprising:

(a) providing a menu within the interface for presenting a set of data parameters to the user (fig. 12, item 1204);

(b) providing a canvas in association with the interface for creating a data record based on said set of data parameters (fig. 12, items 1208-1213);

(c) moving a selected data parameter from the set of data parameters to said canvas (fig. 12, items 1208-1213); and

(d) arranging said selected data parameter on said canvas so as to indicate a corresponding weighting factor to be associated with said selected data parameter (col. 7, lines 60-67; Examiner interrupts weight assigned to each type of network specific data to be the rank of that type of data); and

(e) Creating or modifying a data structure using the selected data parameter and graphical;

However, Manghirmalani fails to teach relatively positioning said selected data parameter on said canvas so as to indicate a corresponding weighting factor be associated with said selected data parameter. (fig. 12, items 1208-1213)

Tuli teaches relatively positioning said selected data parameter on said canvas so as to indicate a corresponding weighting factor be associated with said selected data parameter. (column 7, lines 30-48)

It would have been obvious to an artisan at the time of the invention to include Tuli's with method of Manghirmalani in order to provide users with a graphical representation of priority.

As per claim 122, Manghirmalani and Tuli teach the method of claim 121. Manghirmalani further teaches wherein said data record is used as a query to locate additional information for the user (fig. 14, items 1401-1403).

As per claim 123, Manghirmalani and Tuli teach the method of claim 121. Manghirmalani further teaches wherein said data record is compared against other data records and a visual analysis is presented to the user (fig. 14, items 1401-1403; It is

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inherent that the health data, the load data, and the error data are being compared against each other).

As per claim 126, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 127, Manghirmalani and Tuli teach the method of claim 126.

Manghirmalani further teaches wherein said feedback information includes:

- (a) a set of data records correlating with said input data (col. 12, lines 1-15);
- (b) a list of proposed options based on said input data (col. 12, lines 1-15);
- (c) changes in an appearance of said data interface (fig. 13, fig. 14, col. 12, lines 46-68, col. 13, lines 1-15); and/or
- (d) a prediction of expected financial return based on input data;
- (e) a financial performance associated with transactions using said input data.

As per claim 129, Manghirmalani and Tuli teach the method of claim 106.

Manghirmalani further teaches wherein said data parameters correspond to reasons, motivations or perceptions concerning a transaction and/or action by the user (Fig. 4, item "item 404"; Examiner interprets studying the collision history of the network to be learning the lessons of the passed).

As per claim 131, it is rejected with the same rationale as claim 106. (see rejection above)

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AS per claim 132, Manghirmalani and Tuli teach the method of claim 131.

Manghirmalani further teaches wherein said feedback includes a chart and/or graph (fig. 14, item 1401-1403).

As per claim 133, Manghirmalani and Tuli teach the method of claim 152.

Manghirmalani further teaches wherein said feedback includes a proposed model set of data records and weighting factors (col. 7, lines 60-67).

As per claim 134, Manghirmalani and Tuli teach the method of claim 131.

Manghirmalani further teaches wherein said feedback includes a prediction associated with using said one or more of data records (Fig. 12, item 1202).

As per claim 136, it is rejected with the same rationale as claim 106. (see rejection above)

As per claim 140, which is dependent on claim 138, it is of the same scope of 45. (see rejection above)

As per claim 141, it is rejected under the same scope as claim 41. Supra.

As per claim 142, Manghirmalani and Tuli teach the data picture of claim 141, wherein a collection of data picture records are grouped for said action and/or transaction (col. 7, lines 55-68, col. 8, lines 1-8).

As per claim 143, Manghirmalani and Tuli teach the data picture of claim 142, wherein said collection data picture records include data picture records created before said action and/or transaction, and data picture records created after said action and/or transaction (fig. 14, item 1401-1403).

As per claims 146, 150, and 152, they are rejected under the same rationale as claim 42. Supra.

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As per claim 148, Manghirmanlani and Tuli teach wherein said data canvas conveys visible feedback information during relative positioning said selected set of data parameters. (column 7, lines 30-48)

As per claim 149, it is rejected under the same rationale 113. Supra.

Claims 46, 47, 95-97, 102-104, 109, 112, 124, 125, 130, 135, 144, 145, 147 and 151 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Ferguson et al. (US 6,064,984).

As per claim 46, Manghirmanlani and Tuli teach the interface of claim 45. However, they fail to teach wherein said numeric data values are based on the physical location of said selected set of data parameters as placed by the user on said data canvas.

Ferguson et al. teaches wherein said numeric data values are based on the physical location of said selected set of data parameters as placed by the user on said data canvas. (col. 8, lines 46-64)

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmanlani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 47, Manghirmanlani and Tuli teach the interface of claim 42. However, they fail to teach wherein said selected set of data parameters, including individual ones of said selected group of predefined statements can be ranked in relative importance by the user based on their location on said data canvas.

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Ferguson et al. teaches teach wherein said selected set of data parameters, including individual ones of said selected group of predefined statements can be ranked in relative importance by the user based on their location on said data canvas (col. 12, lines 16-54; Allowing user to decide how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 95, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

As per claim 96, which is dependent on claim 91, it is of the same scope as claim 47. (see rejection above)

As per claim 97, which is dependent on claim 91, it is of the same scope as claim 46. (see rejection above)

As per claim 102, which is dependent on claim 99, it is of the same scope as claim 46. (see rejection above)

As per claim 103, Manghirmalani and Tuli teach the interface of claim 99. However they fails to teach the interface further includes a step of permitting said user to rank said personalized individual assertions on said data canvas.

Ferguson et al. teaches a step of permitting said user to rank said personalized individual assertions on said data canvas (col. 12, lines 16-54; Allowing user to decide

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how much money should be allocated into to each categories, such as stocks, bond, and cash, Ferguson effectively provide the user with the ability to rank the relative importance of each category in his/her over all financial investment strategy).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 104, which is dependent on claim 103, it is of the same scope as claim 46. (see rejection above)

As per claim 109, which is dependent on claim 106, it is of the same scope as claim 47. (see rejection above)

As per claim 112, which is dependent on claim 111, it is of the same scope as claim 46. (see rejection above)

As per claim 124, which is dependent on claim 121, it is of the same scope as claim 46. (see rejection above)

As per claim 125, which is dependent on claim 124, it is of the same scope as claim 47. (see rejection above)

As per claim 130, which is dependent on claim 126, it is of the same scope as claim 46. (see rejection above)

As per claim 145, which is dependent on claim 141, it is of the same scope as claim 47. (see rejection above)

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As per claims 147, which is dependent on claim 146, it is of the same scope as claim 47. (see rejection above)

As per claim 135, Manghirmalani and Tuli teach the method of claim 111. However, they fails to teach wherein said feedback includes a financial performance associated with using said one or more data records.

Ferguson et al. teaches a method wherein said feedback includes a financial performance associated with using said one or more data records (col. 8, lines 46-64).

It would have been obvious to an artisan at the time of the invention to include Ferguson's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to see the possible results of different hypothetical scenarios.

As per claim 151, it is rejected under the same rationale as 46. Supra.

Claims 138 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Black et al. (US 6,012,042).

As per claim 138, Manghirmalani and Tuli teach the method of claim 136. However, they fails to teaches the method wherein said action and/or transaction pertains to trading a security, and said first data picture is associated with a purchase of said security, and said second data picture is associated with a sale of said security.

Black et al. teaches a method wherein said action and/or transaction pertains to trading a security, and said first data picture is associated with a purchase of said security, and said second data picture is associated with a sale of said security (col. 10, lines 16-36).

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It would have been obvious to an artisan at the time of the invention to include Black's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to set up alert for financial events.

As per claim 139, Manghirmalani, Tuli and Black teach the method of claim 138. Black further teaches the method including a step (d): providing feedback to the user to indicate a financial performance associated with said trading of said security (col. 10, lines 16-36).

Claims 137 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmanlani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Wren. (US 6,055,514)

As per claim 137, Manghirmalani and Tuli teach the method of claim 136. However, they fails to teach wherein said first data picture is not alterable after it is created.

Wren teaches a method the where the data picture is stored permanently (col. 4, lines 42-65).

It would have been obvious to an artisan at the time of the invention to include Wren's teaching with method of Manghirmalani and Tuli in order to provide user with the ability to review the data later.

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Claims 128 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmalani (US 5,819,028) in view of Tuli et al. (US 6,256,651) in view of Richards (US 6,539,361).

As per claim 128, Manghirmalani and Tuli teach the method of claim 126. However, they fail to teach wherein said data input session is conducted using a Java - applet operating within an Internet browser.

Richards et al. teaches a method data input session is conducted using a Java - applet operating within an Internet browser (col. 23, lines 30-40).

It would have been obvious to an artisan at the time of the invention to include Richards' teaching with method of Manghirmalani and Tuli in order to provide user with the ability to access the Internet.

Response to Arguments

Applicant's arguments filed 6/26/09 have been fully considered but they are not persuasive.

Applicant's argument focused on following:

1) Applicant argued that Manghirmalani fails to teach a weighting factor associated with said data parameter, said weighting factor being derived from a relative placement of said data parameter within the graphical arrangement.

Examiner disagrees.

The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367,

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1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Manghirmanlani teaches a weighting factor because Manghirmanlani provides users with the ability to assign weighting factors to parameters by allowing users to select their desired parameters from the a list of available parameters to formulate equation, that determine the health, the load rate, and the error rate of a network. (see Manghirmanlani; column 12, lines 15-46) Assigning parameters to determine the critical status of a network is giving weight to these parameters. (see Manghirmanlani; column 12, lines 15-46) Furthermore, the relative placement of the parameters within a equation also determines their weight within that equation. (see Manghirmanlani; fig. 12, item 1203) Moreover, the equations are graphical arrangements. Therefore, Manghirmanlani teaches weighting factors as claimed.

2) Applicant argued Manghirmanlani fails to teach “wherein a collection of data picture records are grouped for said action and/or transaction.”

Examiner disagrees.

Manghirmanlani teaches a collection of data pictures records that are grouped as claimed because data of selected parameters are gathered to create graphical status

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indicator as to the health, the load rate, and the error rate of a network. (see

Manghirmalani, col. 7, lines 55-col. 8, lines 8)

3) Applicant argued there is no motivation to combine Tuli's teaching with Manghirmalani's interface.

Examiner disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Tuli provides a motivation to combine its graphical representation of priority with interface of Manghirmalani and that is to provide users with the ability to plot a graphical presentation of the parameter based on priority. (see Tuli, column 1 ,lines 37-45)

Furthermore, all the claimed elements were shown in Manghirmalani and Tuli and one skilled in the art could have combined the elements as claimed by known methods with no change in their function, and the combination would have yielded an interface that allows users to display the available data parameters in Manghirmalani in a graphical representation suggested by Tuli, which is a predictable result that would have been obvious to one of ordinary skill in the art at the time of the invention.

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4) Applicant argued Tuli fails to teach a data parameter that can be selected and physically moved by the user.

Examiner disagrees.

Tuli teaches this limitation because it allows the user to drag and drop a data parameter within a bar graph. (see Tuli, col. 4, lines 60-68) Drag and Drop operations are physical manipulation of the data parameter.

5) Appellant argued Manghirmanlani fails to teach “wherein a collection of data picture records are grouped for said action and/or transaction.”

Examiner disagrees.

As discussed above in item A(2), Manghirmalani teaches limitation because data of selected parameters are gather to create graphical status as to the health, the load rate, and the error rate of a network. (see Manghirmalani, col. 7, lines 55-col. 8, lines 8)

6) Applicant argued Manghirmanlani fails to provide feedback information to the user.

Examiner disagrees.

Manghirmalani teaches providing a user with information regarding network device type of the selected meter type. And this information is feedback information. (see Manghirmalani, col. 12, lines 25-35) And this information is a helpful feedback for users to determine health status of a network.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SIMON KE whose telephone number is (571)272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Peng Ke

/Peng Ke/

Primary Examiner, Art Unit 2174